

WHEREAS, on or about April 13, 2021, the Defendant pled guilty to Counts One through Three of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One through Three of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, *inter alia*, a sum of money

in United States currency, representing any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Counts One through Three of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$129,506,992.00 in United States currency, representing the amount of proceeds traceable to the offenses charged in Counts One through Three of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable with co-defendant David Hu ("Hu"), to the extent of the forfeiture money judgment entered against Hu in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One through Three of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Drew Skinner, of counsel, and the Defendant and his counsel, Nola Heller, Esq., and Scott Singer, Esq. that:

1. As a result of the offenses charged in Counts One through Three of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$129,506,992.00 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One through Three of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable with Hu,

to the extent of the forfeiture money judgement entered against Hu in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant MARTIN SILVER, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

[Intentionally Blank]

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: 

DREW SKINNER
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1587

2/8/23
DATE

MARTIN SILVER

By: 

MARTIN SILVER


2/8/23
DATE

By: 

NOLA HELLER, ESQ.
SCOTT SINGER, ESQ.
Attorneys for Defendant
32 Old Slip
New York, NY 1005

2/8/23
DATE

SO ORDERED:


HONORABLE ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE

2-8-23
DATE